

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.10.2017
CORAM
THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.22311 of 2017

Harif

..Petitioner

Vs.

The State rep. by
The Inspector of Police,
DCB-Perambalur,
Perambalur District.
(Crime No.15 of 2016)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the order dated 11.10.2017 made in Crl.M.P.No.868 of 2017, on the file of the Principal District and Sessions Court at Perambalur, enabling the petitioner to comply with the order.

For Petitioner : Mr.M.Murali
For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused in Crime No.15 of 2016 was granted bail on pre-condition to deposit a sum of Rs.50,000/- by the learned Principal District & Sessions Judge, Perambalur on 11.10.2017. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.M.Murali, learned counsel appearing for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent.

3.This Court had an occasion to deal with the validity of onerous conditions being passed while granting orders of bail or anticipatory bail or release of vehicles in Thiruvasagam Vs. State rep. by the Inspector of Police, B1, North Beach Police Station, Chennai-600 001 in Crl.O.P.No.20483 of 2017 dated 05.10.2017. By relying on various judgments of the Hon'ble Supreme Court as well as this Court, it was held therein that the Courts are not empowered to impose onerous conditions. Following the rationale laid down in the various orders of the Hon'ble Supreme Court, the onerous condition came to be modified in the said order.

4.I am of the view that the present condition imposed by the trial Court is a similar onerous condition and in view of the stand taken in the aforesaid order, the present petition seeking for modification also requires consideration.

5.In the result, the Criminal Original Petition stands allowed. Consequently, the condition imposed on the petitioner in Crl.M.P.No.868 of 2017 by its order dated 11.10.2017 directing the petitioner to deposit a sum of Rs.50,000/- shall stand modified as follows:

"the petitioner shall execute a bond of undertaking to the tune of Rs.50,000/- instead of depositing a sum of Rs.50,000/-.

All other conditions imposed in the order dated 11.10.2017 in Crl.M.P.No.868 of 2017 shall remain intact.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rts

To

1.The Principal District and Sessions Judge,
Perambalur

2.The Inspector of Police,
DCB-Perambalur,
Perambalur District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Murali Advocate sr 76869

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